

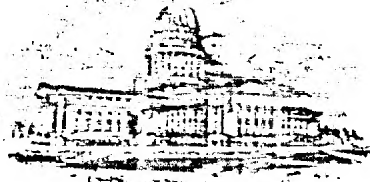
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DAVID E. CLARENBACH
REPRESENTATIVE
78th District
(East and Central Madison)

Capitol Address:
422 North-State Capitol
Madison, Wisconsin 53702
Telephone:
(608) 266-8570



WISCONSIN LEGISLATURE
ASSEMBLY CHAMBER
MADISON
53702

CHAIRPERSON:
*Committee on Health Care
and the Consumer*

MEMBER:
*Committee on Consumer Affairs
Committee on Elections
Committee on Administrative Re-
Committee on Judiciary*

F-77-168

June 29, 1977

Mr. Gene F. Wilson
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C.

F.O.I.A. Appeal

Dear Mr. Wilson:

This is an appeal of your denial for my FOIA request for all CIA records concerning the Wisconsin State Legislature and for the Agency's regulations concerning the Domestic Collection Division.

First, I question the adequacy of your search for records concerning the Wisconsin State Legislature. Since the Agency did gather information concerning a bill I introduced and since Mr. Dennis Berend, Deputy Assistant to the Director of Central Intelligence, has acknowledged to me that the CIA does have an interest in state legislation, I find it difficult to believe that the Agency has no records concerning the Wisconsin State Legislature.

With respect to your denial of the regulations for the Domestic Collection Division, I remind you that the FOIA requires that non-exempt material must be disclosed after it has been segregated from exempt material. It appears unlikely that all of the regulations concerning this Division are properly classified and/or would reveal intelligence sources and methods. Particularly since this Division has a narrow and legitimate mission in the domestic field -- from which the CIA is generally precluded, 50 U.S.C. § 403(d)(3), -- I would think that it would be in the Agency's interest to disclose these regulations and assure the public that the Division is acting according to the law.

Mr. Gene F. Vi
P. 2

Your claim of exemption 2 is without merit since these regulations obviously relate to matters that are not solely related to the internal personnel rules and practices of the CIA. Indeed, there is a substantial public interest in knowing the regulations of a component of the CIA which operates in the domestic field.

Under the terms of the FOIA, I expect a determination on this appeal within twenty working days.

Sincerely,



DAVID E. CLARENBACH
State Representative

DEC:1b

8 JUN 1977

Honorable David E. Clarenbach
State Representative
112 North-State Capitol
Madison, WI 53702

Dear Mr. Clarenbach:

This is in reply to your letter asking for all records concerning the Wisconsin State Legislature which are held by this Agency, as well as for all regulations of this Agency concerning the Domestic Collection Division.

We have searched our files and find that we have no information concerning the Wisconsin State Legislature.

With respect to the regulations governing the Domestic Collection Division, I am advised that these regulations are exempt from disclosure, pursuant to exemptions (b)(1), (b)(2), and (b)(3) of the Freedom of Information Act. As you may be aware, exemption (b)(1) applies to material which has properly been classified under Sections 1 and 3(B) of Executive Order 11652. Exemption (b)(2) relates to matters which are solely for the guidance of Agency personnel, including internal rules and practices which cannot be made public without substantial prejudice to the effective performance of a significant Agency function. Exemption (b)(3) is pursuant to the Director's statutory responsibility to protect intelligence sources and methods from disclosure, as required by the National Security Act of 1947 and the CIA Act of 1949.

The denying officer in this instance was Mr. Charles A. Briggs, DDO Information Review Officer. Under the provisions of the Act, I am advising you of your right to appeal his decision, through me, to the CIA Information Review Committee.

Sincerely



Gene F. Wilson
Information and Privacy Coordinator

IPS/CMS/cb/27 May 77

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WISCONSIN LEGISLATURE
ASSEMBLY CHAMBER

• MADISON
53702

March 16, 1977

MEMBER:
Committee on Consumer Affairs
Committee on Elections
Committee on Administrative Rule

Freedom of Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Dear Sir:

I hereby request, under the Freedom of Information Act, all records held by the Central Intelligence Agency concerning the Wisconsin State Legislature.

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etc?

In addition, I request all agency regulations of the Central Intelligence Agency concerning the Domestic Collection Division.

Reg. Control
DDC/7105

I also request that any search fees incurred in processing this request be waived since C.I.A. interest in a state legislative matter is obviously of public interest.

In this regard, I wish to cite Fitzgibbon (DDC 1976).

Thank you.

Sincerely,

David E. Clarenbach

DAVID E. CLARENBACH
State Representative



Washington, D.C. 20505

10 March 1977

Honorable David E. Clarenbach
State Representative
112 North-State Capitol
Madison, Wisconsin 53702

Dear Mr. Clarenbach,

This is in response to your 17 February letter to me and your 22 February letter to President Carter, which has been referred to my office.

You have asked me to explain this Agency's interest in a bill which you have proposed in the Wisconsin State Legislature.

There are two reasons, and I hope you will agree that they are not only justifiable but that they are not sinister, as you apparently believed initially.

First, the Central Intelligence Agency has a general interest in legislation concerning individual privacy and freedom of information to ensure that no Agency activity contravenes federal or state laws.

Secondly, our interest in state legislation stems from the fact that we employ persons from every state in the Union who, as individual citizens, frequently have questions concerning the effect of state statutes on their right to privacy, their obligation to provide state agencies with personal information, and their need to obtain personal information and records concerning themselves and their families from state agencies. The point here is that many of our employees are serving abroad and thus have difficulty keeping abreast of procedures such as those involved in obtaining necessary information, for example.

Maintaining a record of applicable statutes is an attempt to provide an informed basis for replies to employees who seek information as to the impact of state laws on their rights and responsibilities arising from their individual resident status.

As to the reason why our request was directed to the state records center rather than to those whom you list in your letter, I can only say that the person who made the request felt it was the appropriate way to obtain the information. Let me thank you, however, for your kind offer of future assistance. We will take advantage of it if we find it necessary.

Please allow me to reiterate here what I said in our telephone conversations: While our request for information was properly and promptly identified as coming from the Central Intelligence Agency, you declined to identify yourself during your initial call to our local office. This did indeed result in some confusion.

I cannot really address your point regarding domestic surveillance other than to say that there is and has been none in this matter. The same is true for your question about legal authority for seeking information about state laws. I do not believe such authority exists or is required.

In conclusion, allow me to take up one point you made in your letter to the President. In referring to our Domestic Collection Division, you noted that "their questionable functions raise serious questions that deserve straightforward answers."

I detailed to you on the telephone what the purposes and functions of those offices are, and I mentioned that these matters had been testified to by our former Director, Mr. Colby. I am taking the liberty of enclosing herewith a copy of his 20 February 1975 testimony before the Defense Subcommittee of the House Appropriations Committee.

If you find an impropriety is committed when an employee of one of our offices, simply because of the convenience of proximity, seeks information about a bill in the legislature, then, sir, with all due respect, I disagree.

Since you chose to bring your side of this matter to the attention of the press before we had a chance to respond, I trust that your sense of fairness will now lead you to rectify the situation.

Sincerely,

[Redacted Signature]

Dennis Berend
Deputy Assistant to the
Director of Central Intelligence

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